

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

SEAN RYAN TOM,

Petitioner,

v.

THE STATE OF NEVADA, *et al.*,

Respondents.

Case No. 2:24-cv-00895-MMD-BNW

DISMISSAL ORDER

Pro se Petitioner Sean Ryan Tom filed an Amended Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 on June 18, 2024. (ECF No. 7 (“Amended Petition”).) The Court conducted an initial review of the Amended Petition and ordered Tom to show cause why his Amended Petition should not be dismissed without prejudice as unexhausted, explaining that Tom’s appeal of the denial of his state habeas petition is still pending before the Nevada appellate court. (ECF No. 10 (“OSC”).) Tom was warned that if he did not timely and fully respond to the OSC on or before September 16, 2024, “this action w[ould] be dismissed without further advance notice.” (*Id.*) To date, Tom has not filed a response to the OSC, requested an extension of time to do so, or taken any other action to prosecute this case.

It is therefore ordered that this action is dismissed without prejudice based on Tom’s failure to comply with the Court’s Order to Show Cause (ECF No. 10).

It is further ordered that the motion for appointment of counsel (ECF No. 2) is denied as moot.

It is further ordered that a certificate of appealability is denied, as jurists of reason would not find dismissal of the Amended Petition for the reasons stated herein to be debatable or wrong.

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1 The Clerk of Court is further directed to (1) add Nevada Attorney General Aaron
2 D. Ford as counsel for Respondents,¹ (2) informally serve the Nevada Attorney General
3 with the Amended Petition (ECF No. 7), this Order, and all other filings in this matter by
4 sending notices of electronic filing to the Nevada Attorney General's office, (3) enter final
5 judgment accordingly, dismissing this action without prejudice, and (4) close this case.

6 DATED THIS 20th Day of September 2024

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9 MIRANDA M. DU
10 CHIEF UNITED STATES DISTRICT JUDGE
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27 ¹No response is required from Respondents other than to respond to any orders
28 of a reviewing court.